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Attorneys for Defendants Noble

Construction Group, LLC and

Edward M. Geerlof, Jr.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

GERARDO MOTA BAUTISTA, HUGO
BAUTISTA, JUAN LUIS OVANDO
ZEPEDA, JUAN ZEPEDA, JULIO RICARDO
ALVAREZ MACATOMA, LEONCIO
TORRES ACUNA, MARIO MORALES
ROJAS, and OMAR RODRIGUEZ,
*Individually and on behalf of others similarly
situated,*

Plaintiffs,

-against-

COUNTYWIDE BUILDERS, INC. (D/B/A
COUNTYWIDE BUILDERS), NOBLE
CONSTRUCTION GROUP, LLC (D/B/A
NOBLE CONSTRUCTION GROUP),
EDWARD M. GEERLOF, JR., MAYER
WEBER, JORDAN GARRIDO, MIKE
GARRIDO, and MARTIN DOE (a/k/a PERU),

Defendants.

-----X

Case No.: 19-cv-08808-AT

**ANSWER WITH
AFFIRMATIVE DEFENSES**

Defendants NOBLE CONSTRUCTION GROUP, LLC (“Noble”) and EDWARD M.
GEERLOF, JR. (“Geerlof”)(collectively, the “Noble Defendants”), by their attorneys Dealy
Silberstein & Braverman, LLP, answer the Complaint of Plaintiffs GERARDO MOTA
BAUTISTA, HUGO BAUTISTA, JUAN LUIS OVANDO ZEPEDA, JUAN ZEPEDA, JULIO

RICARDO ALVAREZ MACATOMA, LEONCIO TORRES ACUNA, MARIO MORALES ROJAS, and OMAR RODRIGUEZ (collectively, “Plaintiffs”) as follows:

AS AND FOR A RESPONSE TO NATURE OF ACTION

1. The Noble Defendants deny the allegations contained in Paragraph 1 of the Complaint and specifically aver that Plaintiffs were not employed by the Noble Defendants.
2. The Noble Defendants deny the allegations contained in Paragraph 2 of the Complaint.
3. The Noble Defendants deny the allegations contained in Paragraph 3 of the Complaint.
4. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Complaint.
5. The Noble Defendants deny the allegations contained in Paragraph 5 of the Complaint and specifically aver that Plaintiffs were not employed by the Noble Defendants.
6. The Noble Defendants deny the allegations contained in Paragraph 6 of the Complaint and specifically aver that Plaintiffs were not employed by the Noble Defendants.
7. The Noble Defendants deny the allegations contained in Paragraph 7 of the Complaint and specifically aver that Plaintiffs were not employed by the Noble Defendants.
8. The Noble Defendants deny the allegations contained in Paragraph 8 of the Complaint.
9. The Noble Defendants deny the allegations contained in Paragraph 9 of the Complaint.
10. The Noble Defendants deny the allegations contained in paragraph 10 of the Complaint, except admit that Plaintiffs purport to bring this action pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201 *et seq.* (the “FLSA”) and the N.Y. Labor Law §§ 190 *et seq.* and 650 *et seq.* (the “NYLL”), and the Noble Defendants respectfully refer all questions of law to the Court.

11. There is no allegation of fact contained in paragraph 11 of the Complaint which would require a response. To the extent a response is required, the Noble Defendants deny the allegations contained in paragraph 11 of the Complaint, and respectfully refer all questions of law to the Court.

AS AND FOR A RESPONSE TO JURISDICTION AND VENUE

12. There is no allegation of fact contained in paragraph 12 of the Complaint which would require a response. To the extent a response is required, the Noble Defendants deny the allegations contained in paragraph 12 of the Complaint, and respectfully refer all questions of law to the Court.

13. There is no allegation of fact contained in paragraph 13 of the Complaint which would require a response. To the extent a response is required, the Noble Defendants deny the allegations contained in paragraph 13 of the Complaint, and respectfully refer all questions of law to the Court.

AS AND FOR A RESPONSE TO PARTIES

Plaintiffs

14. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the Complaint.

15. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the Complaint.

16. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 16 of the Complaint.

17. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 17 of the Complaint.

18. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18 of the Complaint.
19. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 19 of the Complaint.
20. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the Complaint.
21. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 21 of the Complaint.
22. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the Complaint.
23. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the Complaint.
24. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of the Complaint.
25. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 25 of the Complaint.
26. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the Complaint.
27. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the Complaint.
28. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 28 of the Complaint.

29. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 29 of the Complaint.

Defendants

30. The Noble Defendants deny the allegations contained in Paragraph 30 of the Complaint.

31. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 31 of the Complaint.

32. The Noble Defendants admit the allegations contained in Paragraph 32 of the Complaint.

33. The Noble Defendants deny the allegations contained in Paragraph 33 of the Complaint.

34. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 34 of the Complaint.

35. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 35 of the Complaint.

36. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 36 of the Complaint.

37. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 37 of the Complaint.

AS AND FOR A RESPONSE TO FACTUAL ALLEGATIONS

Defendants Constitute Joint Employers

38. The Noble Defendants deny the allegations contained in Paragraph 38 of the Complaint.

39. The Noble Defendants deny the allegations contained in Paragraph 39 of the Complaint.

40. The Noble Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41. The Noble Defendants deny the allegations contained in Paragraph 41 of the Complaint.

42. The Noble Defendants deny the allegations contained in Paragraph 42 of the Complaint and respectfully refer all questions of law to the Court.

43. The Noble Defendants deny the allegations contained in Paragraph 43 of the Complaint and respectfully refer all questions of law to the Court.

44. The Noble Defendants deny the allegations contained in Paragraph 44 of the Complaint.

45. The Noble Defendants deny the allegations contained in Paragraph 45 of the Complaint and respectfully refer all questions of law to the Court.

46. The Noble Defendants deny the allegations contained in Paragraph 46 of the Complaint.

47. The Noble Defendants deny the allegations contained in Paragraph 47 of the Complaint.

Individual Plaintiffs

48. The Noble Defendants deny the allegations contained in Paragraph 48 of the Complaint and specifically aver that Plaintiffs were not employed by the Noble Defendants.

Plaintiff Gerardo Mota Bautista

49. The Noble Defendants deny the allegations contained in Paragraph 49 of the Complaint and specifically aver that Plaintiff Bautista was not employed by the Noble Defendants.

50. The Noble Defendants deny the allegations contained in Paragraph 50 of the Complaint and specifically aver that Plaintiff Bautista was not employed by the Noble Defendants.

51. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 51 of the Complaint.

52. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 52 of the Complaint.

53. The Noble Defendants deny the allegations contained in Paragraph 53 of the Complaint and specifically aver that Plaintiff Bautista was not employed by the Noble Defendants.

54. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 54 of the Complaint.

55. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 55 of the Complaint.

56. The Noble Defendants deny the allegations contained in Paragraph 56 of the Complaint.

57. The Noble Defendants deny the allegations contained in Paragraph 57 of the Complaint.

58. The Noble Defendants deny the allegations contained in Paragraph 58 of the Complaint.

59. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 59 of the Complaint.

60. The Noble Defendants deny the allegations contained in Paragraph 60 of the Complaint.

61. The Noble Defendants deny the allegations contained in Paragraph 61 of the Complaint.

62. The Noble Defendants deny the allegations contained in Paragraph 62 of the Complaint.

63. The Noble Defendants deny the allegations contained in Paragraph 63 of the Complaint.

64. The Noble Defendants deny the allegations contained in Paragraph 64 of the Complaint.

Plaintiff Hugo Bautista

65. The Noble Defendants deny the allegations contained in Paragraph 65 of the Complaint and specifically aver that Plaintiff Bautista was not employed by the Noble Defendants.

66. The Noble Defendants deny the allegations contained in Paragraph 66 of the Complaint and specifically aver that Plaintiff Bautista was not employed by the Noble Defendants.

67. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 67 of the Complaint.

68. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 68 of the Complaint.

69. The Noble Defendants deny the allegations contained in Paragraph 69 of the Complaint and specifically aver that Plaintiff Bautista was not employed by the Noble Defendants.

70. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 70 of the Complaint.

71. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 71 of the Complaint.

72. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 72 of the Complaint.

73. The Noble Defendants deny the allegations contained in Paragraph 73 of the Complaint.

74. The Noble Defendants deny the allegations contained in Paragraph 74 of the Complaint.

75. The Noble Defendants deny the allegations contained in Paragraph 75 of the Complaint.

76. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 76 of the Complaint.

77. The Noble Defendants deny the allegations contained in Paragraph 77 of the Complaint.

78. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 78 of the Complaint.

79. The Noble Defendants deny the allegations contained in Paragraph 79 of the Complaint.

80. The Noble Defendants deny the allegations contained in Paragraph 80 of the Complaint.

81. The Noble Defendants deny the allegations contained in Paragraph 81 of the Complaint.

Plaintiff Juan Luis Ovanda Zepeda

82. The Noble Defendants deny the allegations contained in Paragraph 82 of the Complaint and specifically aver that Plaintiff Zepeda was not employed by the Noble Defendants.

83. The Noble Defendants deny the allegations contained in Paragraph 83 of the Complaint and specifically aver that Plaintiff Zepeda was not employed by the Noble Defendants.
84. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 84 of the Complaint.
85. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 85 of the Complaint.
86. The Noble Defendants deny the allegations contained in Paragraph 86 of the Complaint and specifically aver that Plaintiff Zepeda was not employed by the Noble Defendants.
87. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 87 of the Complaint.
88. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 88 of the Complaint.
89. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 89 of the Complaint.
90. The Noble Defendants deny the allegations contained in Paragraph 90 of the Complaint.
91. The Noble Defendants deny the allegations contained in Paragraph 91 of the Complaint.
92. The Noble Defendants deny the allegations contained in Paragraph 92 of the Complaint.
93. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 93 of the Complaint.
94. The Noble Defendants deny the allegations contained in Paragraph 94 of the Complaint.
95. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 95 of the Complaint.
96. The Noble Defendants deny the allegations contained in Paragraph 96 of the Complaint.

97. The Noble Defendants deny the allegations contained in Paragraph 97 of the Complaint.

98. The Noble Defendants deny the allegations contained in Paragraph 98 of the Complaint.

Plaintiff Juan Zepeda

99. The Noble Defendants deny the allegations contained in Paragraph 99 of the Complaint and specifically aver that Plaintiff Zepeda was not employed by the Noble Defendants.

100. The Noble Defendants deny the allegations contained in Paragraph 100 of the Complaint and specifically aver that Plaintiff Zepeda was not employed by the Noble Defendants.

101. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 101 of the Complaint.

102. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 102 of the Complaint.

103. The Noble Defendants deny the allegations contained in Paragraph 103 of the Complaint and specifically aver that Plaintiff Zepeda was not employed by the Noble Defendants.

104. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 104 of the Complaint.

105. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 105 of the Complaint.

106. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 106 of the Complaint.

107. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 107 of the Complaint.

108. The Noble Defendants deny the allegations contained in Paragraph 108 of the Complaint.

109. The Noble Defendants deny the allegations contained in Paragraph 109 of the Complaint.

110. The Noble Defendants deny the allegations contained in Paragraph 110 of the Complaint.

111. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 111 of the Complaint.

112. The Noble Defendants deny the allegations contained in Paragraph 112 of the Complaint.

113. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 113 of the Complaint

114. The Noble Defendants deny the allegations contained in Paragraph 114 of the Complaint.

115. The Noble Defendants deny the allegations contained in Paragraph 115 of the Complaint.

116. The Noble Defendants deny the allegations contained in Paragraph 116 of the Complaint.

Plaintiff Julio Ricardo Alvarez Macatoma

117. The Noble Defendants deny the allegations contained in Paragraph 99 of the Complaint and specifically aver that Plaintiff Alvarez was not employed by the Noble Defendants.

118. The Noble Defendants deny the allegations contained in Paragraph 118 of the Complaint and specifically aver that Plaintiff Alvarez was not employed by the Noble Defendants.
119. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 119 of the Complaint.
120. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 120 of the Complaint.
121. The Noble Defendants deny the allegations contained in Paragraph 121 of the Complaint and specifically aver that Plaintiff Alvarez was not employed by the Noble Defendants.
122. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 122 of the Complaint.
123. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 123 of the Complaint.
124. The Noble Defendants deny the allegations contained in Paragraph 124 of the Complaint.
125. The Noble Defendants deny the allegations contained in Paragraph 125 of the Complaint.
126. The Noble Defendants deny the allegations contained in Paragraph 126 of the Complaint.
127. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 127 of the Complaint.

128. The Noble Defendants deny the allegations contained in Paragraph 128 of the Complaint.

129. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 129 of the Complaint.

130. The Noble Defendants deny the allegations contained in Paragraph 130 of the Complaint.

131. The Noble Defendants deny the allegations contained in Paragraph 131 of the Complaint.

132. The Noble Defendants deny the allegations contained in Paragraph 132 of the Complaint.

Plaintiff Leoncio Torres Acuna

133. The Noble Defendants deny the allegations contained in Paragraph 133 of the Complaint and specifically aver that Plaintiff Torres was not employed by the Noble Defendants.

134. The Noble Defendants deny the allegations contained in Paragraph 134 of the Complaint and specifically aver that Plaintiff Torres was not employed by the Noble Defendants.

135. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 135 of the Complaint.

136. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 136 of the Complaint.

137. The Noble Defendants deny the allegations contained in Paragraph 137 of the Complaint and specifically aver that Plaintiff Torres was not employed by the Noble Defendants.

138. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 138 of the Complaint.

139. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 139 of the Complaint.

140. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 140 of the Complaint.

141. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 141 of the Complaint.

142. The Noble Defendants deny the allegations contained in Paragraph 142 of the Complaint.

143. The Noble Defendants deny the allegations contained in Paragraph 143 of the Complaint.

144. The Noble Defendants deny the allegations contained in Paragraph 144 of the Complaint.

145. The Noble Defendants deny the allegations contained in paragraph 145 of the Complaint.

146. The Noble Defendants deny the allegations contained in Paragraph 146 of the Complaint.

147. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 147 of the Complaint.

148. The Noble Defendants deny the allegations contained in Paragraph 148 of the Complaint.

149. The Noble Defendants deny the allegations contained in Paragraph 149 of the Complaint.

150. The Noble Defendants deny the allegations contained in Paragraph 150 of the Complaint.

Plaintiff Mario Morales Rojas

151. The Noble Defendants deny the allegations contained in Paragraph 151 of the Complaint and specifically aver that Plaintiff Morales was not employed by the Noble Defendants.

152. The Noble Defendants deny the allegations contained in Paragraph 152 of the Complaint and specifically aver that Plaintiff Morales was not employed by the Noble Defendants.

153. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 153 of the Complaint.

154. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 154 of the Complaint.

155. The Noble Defendants deny the allegations contained in Paragraph 155 of the Complaint.

156. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 156 of the Complaint.

157. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 157 of the Complaint.

158. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 158 of the Complaint.

159. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 159 of the Complaint.

160. The Noble Defendants deny the allegations contained in Paragraph 160 of the Complaint.

161. The Noble Defendants deny the allegations contained in Paragraph 161 of the Complaint.

162. The Noble Defendants deny the allegations contained in Paragraph 162 of the Complaint.

163. The Noble Defendants deny the allegations contained in Paragraph 163 of the Complaint.

164. The Noble Defendants deny the allegations contained in Paragraph 164 of the Complaint.

165. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 165 of the Complaint.

166. The Noble Defendants deny the allegations contained in Paragraph 166 of the Complaint.

167. The Noble Defendants deny the allegations contained in Paragraph 167 of the Complaint.

168. The Noble Defendants deny the allegations contained in Paragraph 168 of the Complaint.

Plaintiff Omar Rodriguez

169. The Noble Defendants deny the allegations contained in Paragraph 169 of the Complaint and specifically aver that Plaintiff Rodriguez was not employed by the Noble Defendants.

170. The Noble Defendants deny the allegations contained in Paragraph 170 of the Complaint and specifically aver that Plaintiff Rodriguez was not employed by the Noble Defendants.

171. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 171 of the Complaint.

172. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 172 of the Complaint.

173. The Noble Defendants deny the allegations contained in Paragraph 173 of the Complaint.

174. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 174 of the Complaint.

175. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 175 of the Complaint.

176. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 176 of the Complaint.

177. The Noble Defendants deny the allegations contained in Paragraph 177 of the Complaint.

178. The Noble Defendants deny the allegations contained in Paragraph 178 of the Complaint.

179. The Noble Defendants deny the allegations contained in Paragraph 179 of the Complaint.

180. The Noble Defendants deny the allegations contained in Paragraph 180 of the Complaint.

181. The Noble Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 181 of the Complaint.

182. The Noble Defendants deny the allegations contained in Paragraph 182 of the Complaint.

183. The Noble Defendants deny the allegations contained in Paragraph 183 of the Complaint.

184. The Noble Defendants deny the allegations contained in Paragraph 184 of the Complaint.

Defendants' General Employment Practices

185. The Noble Defendants deny the allegations contained in Paragraph 185 of the Complaint.

186. The Noble Defendants deny the allegations contained in Paragraph 186 of the Complaint.

187. The Noble Defendants deny the allegations contained in Paragraph 187 of the Complaint.

188. The Noble Defendants deny the allegations contained in Paragraph 188 of the Complaint.

189. The Noble Defendants deny the allegations contained in Paragraph 189 of the Complaint.

190. The Noble Defendants deny the allegations contained in Paragraph 190 of the Complaint.

191. The Noble Defendants deny the allegations contained in Paragraph 191 of the Complaint.

192. The Noble Defendants deny the allegations contained in Paragraph 192 of the Complaint.

193. The Noble Defendants deny the allegations contained in Paragraph 193 of the Complaint.

194. The Noble Defendants deny the allegations contained in Paragraph 194 of the Complaint.

195. The Noble Defendants deny the allegations contained in Paragraph 195 of the Complaint.

AS AND FOR A RESPONSE TO FLSA COLLECTIVE ACTION CLAIMS

196. There is no allegation of fact contained in paragraph 196 of the Complaint which would require a response. To the extent a response is required, the Noble Defendants deny the allegations contained in paragraph 196 of the Complaint, and respectfully refer all questions of law to the Court.

197. The Noble Defendants deny the allegations contained in Paragraph 197 of the Complaint.

198. The Noble Defendants deny the allegations contained in Paragraph 198 of the Complaint.

AS AND FOR A RESPONSE TO THE FIRST CAUSE OF ACTION

VIOLATION OF THE MINIMUM WAGE PROVISIONS OF THE FLSA

199. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 198 of the Complaint, as if fully set forth herein.

200. The Noble Defendants deny the allegations contained in Paragraph 200 of the Complaint.

201. The Noble Defendants deny the allegations contained in Paragraph 201 of the Complaint.

202. The Noble Defendants deny the allegations contained in Paragraph 202 of the Complaint.

203. The Noble Defendants deny the allegations contained in Paragraph 203 of the Complaint.

204. The Noble Defendants deny the allegations contained in Paragraph 204 of the Complaint.

205. The Noble Defendants deny the allegations contained in Paragraph 205 of the Complaint.

AS AND FOR A RESPONSE TO SECOND CAUSE OF ACTION

VIOLATION OF THE OVERTIME PROVISIONS OF THE FLSA

206. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 198 of the Complaint, as if fully set forth herein.

207. The Noble Defendants deny the allegations contained in Paragraph 207 of the Complaint.

208. The Noble Defendants deny the allegations contained in Paragraph 208 of the Complaint.

209. The Noble Defendants deny the allegations contained in Paragraph 209 of the Complaint.

AS AND FOR A RESPONSE TO THIRD CAUSE OF ACTION

VIOLATION OF THE NEW YORK MINIMUM WAGE ACT

210. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 209 of the Complaint, as if fully set forth herein.

211. The Noble Defendants deny the allegations contained in Paragraph 211 of the Complaint.

212. The Noble Defendants deny the allegations contained in Paragraph 212 of the Complaint.

213. The Noble Defendants deny the allegations contained in Paragraph 213 of the Complaint.

214. The Noble Defendants deny the allegations contained in Paragraph 214 of the Complaint.

AS AND FOR A RESPONSE TO THE FOURTH CAUSE OF ACTION

VIOLATION OF OVERTIME PROVISIONS

OF THE NEW YORK STATE LABOR LAW

215. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 214 of the Complaint, as if fully set forth herein.

216. The Noble Defendants deny the allegations contained in Paragraph 216 of the Complaint.

217. The Noble Defendants deny the allegations contained in Paragraph 217 of the Complaint.

218. The Noble Defendants deny the allegations contained in Paragraph 218 of the Complaint.

AS AND FOR A RESPONSE TO THE FIFTH CAUSE OF ACTION

VIOLATION OF THE NOTICE AND RECORDKEEPING

REQUIREMENTS OF THE NEW YORK LABOR LAW

219. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 218 of the Complaint, as if fully set forth herein.

220. The Noble Defendants deny the allegations contained in Paragraph 220 of the Complaint.

221. The Noble Defendants deny the allegations contained in Paragraph 221 of the Complaint.

AS AND FOR A RESPONSE TO THE SIXTH CAUSE OF ACTION

VIOLATION OF THE WAGE STATEMENT PROVISIONS

OF THE NEW YORK LABOR LAW

222. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 221 of the Complaint, as if fully set forth herein.

223. The Noble Defendants deny the allegations contained in Paragraph 223 of the Complaint.

224. The Noble Defendants deny the allegations contained in Paragraph 224 of the Complaint.

AS AND FOR A RESPONSE TO THE SEVENTH CAUSE OF ACTION

RECOVERY OF EQUIPMENT COSTS

225. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 225 of the Complaint, as if fully set forth herein.

226. The Noble Defendants deny the allegations contained in Paragraph 226 of the Complaint.

227. The Noble Defendants deny the allegations contained in Paragraph 227 of the Complaint.

AS AND FOR A RESPONSE TO THE EIGHTH CAUSE OF ACTION

VIOLATION OF THE TIMELY PAYMENT PROVISIONS

OF THE NEW YORK LABOR LAW

228. The Noble Defendants repeat, reallege and incorporate by reference their responses to paragraphs 1 through 227 of the Complaint, as if fully set forth herein.

229. The Noble Defendants deny the allegations contained in Paragraph 229 of the Complaint.

230. The Noble Defendants deny the allegations contained in Paragraph 230 of the Complaint.

The Noble Defendants deny that Plaintiffs are entitled to any of the relief requested in the “PRAYER FOR RELIEF” clause of the Complaint.

FIRST AFFIRMATIVE DEFENSE

231. The Complaint fails to state a claim against the Noble Defendants upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

232. At all relevant times, the Noble Defendants acted in good faith and have not violated any rights secured under any federal, state or local laws, rules, regulations or guidelines.

THIRD AFFIRMATIVE DEFENSE

233. Plaintiffs' claims on behalf of themselves and others similarly situated are barred, in whole or in part, by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

234. The Complaint fails to state a claim under Federal or New York law upon which either pre-judgment or post-judgment interest, punitive, exemplary or liquidated damages or attorneys' fees may be awarded.

FIFTH AFFIRMATIVE DEFENSE

235. Neither the Plaintiffs nor any member of the proposed class that they seek to represent can establish a willful violation under the FLSA or NYLL.

SIXTH AFFIRMATIVE DEFENSE

236. The Noble Defendants did not proximately cause Plaintiffs nor any member of the proposed class that they seek to represent to sustain any actionable damages.

SEVENTH AFFIRMATIVE DEFENSE

237. Class certification is inappropriate, as common questions of law and/or fact do not predominate among the putative members and Plaintiffs.

EIGHTH AFFIRMATIVE DEFENSE

238. Class certification is inappropriate, as it is not a superior method for adjudicating this controversy.

NINTH AFFIRMATIVE DEFENSE

239. Class certification is inappropriate, as the numerosity requirement cannot be met.

TENTH AFFIRMATIVE DEFENSE

240. The Noble Defendants assert every defense available to them pursuant to the NYLL.

ELEVENTH AFFIRMATIVE DEFENSE

241. The Noble Defendants assert all affirmative defenses provided by Section 195 of the NYLL and all statutory affirmative defenses to the New York State record keeping requirements.

TWELFTH AFFIRMATIVE DEFENSE

242. Plaintiffs' claims, and each of them brought on behalf of themselves and the putative class members as set forth in the Complaint, are in whole or in part *de minimus*.

THIRTEENTH AFFIRMATIVE DEFENSE

243. The Noble Defendants reserve the right to amend their Answer to raise additional defenses or pursue any available counterclaims against Plaintiffs and/or the proposed class that they seek to represent as those claims become known during the action.

Dated: New York, New York
February 28, 2020

Yours, etc.,

DEALY SILBERSTEIN &
BRAVERMAN, LLP

By: _____/s/

Laurence J. Lebowitz

Amanda E. Maguire

*Attorneys for Defendants Noble
Construction Group, LLC and
Edward M. Geerlof, Jr.*

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New York, New York 10007

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CERTIFICATE OF SERVICE

I hereby certify that, on February 28, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Amanda E. Maguire

Amanda E. Maguire (AM1775)